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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) No. CR 3 - 05 - 71011 EDL  
14 Plaintiff, ) [PROPOSED] SPEEDY TRIAL ORDER  
15 v. )  
16 MARTIN COLANGELO, )  
17 Defendant. )  
18 \_\_\_\_\_

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20  
21 WHEREAS, MARTIN COLANGELO (“Colangelo”) is charged in a criminal complaint  
22 with violation of 18 U.S.C. § 371, in an action brought by the United States Postal Inspection  
23 Service;

24 WHEREAS, Colangelo made his initial appearance on the aforesaid criminal complaint,  
25 before the Honorable Bernard Zimmerman, on March 2, 2006, and was detained;

26 WHEREAS, the parties previously entered into a stipulation and order waiving time  
27 under Rule 5.1 as well as excluding time under 18 U.S.C. § 3161 through June 30, 2006, in order  
28 to provide for effective preparation of counsel;

SPEEDY TRIAL ORDER  
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FILED

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RICHARD W. WICKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1        WHEREAS, government counsel was out of the office on extended family medical leave  
2 from mid-May 2006 and continuing throughout June 2006;

3        WHEREAS, the government is agreeable to delaying indictment in order to provide  
4 Colangelo and his attorney the opportunity to review discovery, and where, since arrest preceded  
5 indictment in this matter, it is unreasonable to expect return and filing of the indictment within  
6 the period specified in section 3161(b), and further where it is in the defendant's best interest to  
7 waive time under both Rule 5.1 to allow time for a resolution and disposition short of indictment  
8 for a further four (4) weeks, through Friday, July 28, 2006;

9        THEREFORE, the parties agree and stipulate as follows:

- 10      1. Colangelo hereby again waives his right to have a preliminary hearing conducted  
11            within 10 days of his initial appearance while out of custody, pursuant to Rule  
12            5.1(c)-(d) of the Federal Rules of Criminal Procedure, taking into account the  
13            public's interest in the prompt disposition of criminal cases and for good cause  
14            shown;
- 15      2. Colangelo hereby again waives his right to have all of the charges contained in  
16            the criminal complaint on which she made his initial appearance on March 2,  
17            2006, indicted within thirty days of his initial appearance, on or before April 2,  
18            2006, as required by 18 U.S.C. § 3161(b);
- 19      3. The government and Colangelo hereby agree that any indictment by the  
20            government, as to charges contained in the criminal complaint, must be filed no  
21            later than July 28, 2006, pursuant to section 3161(h)(8)(B)(iii);
- 22      4. The government and Colangelo hereby mutually agree that any preliminary  
23            hearing and/or arraignment be held no later than July 28, 2006;

24        The undersigned parties, by and through their counsel, hereby agree and stipulate that  
25 this waiver of time under Rule 5.1 of the Federal Rules of Criminal Procedure and section  
26 3161(b) of the Speedy Trial Act shall remain in place until July 28, 2006, because this is a case  
27 in which arrest preceded indictment, such that delay in the filing of the indictment is caused  
28 because the arrest occurred at time that is unreasonable to expect return and filing of the

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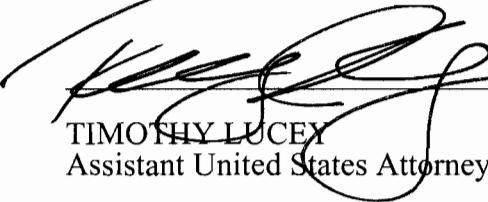
1 indictment as to all of the charges contained in the criminal complaint, within the period  
2 specified in section 3161(b), pursuant to 18 U.S.C. § 3161(h)(8)(B)(iii).

3 Moreover, in light of defense counsel's ongoing efforts to review discovery, such that  
4 good cause has been shown to continue the date for defendant's preliminary hearing taking into  
5 account the public's interest in the prompt disposition of criminal cases, pursuant to F. R. Cr. P.  
6 Rule 5.1(d), and further, because this waiver of time will ensure effective preparation of counsel  
7 taking into account the exercise of due diligence, such that the ends of justice are served by  
8 granting this continuance outweighs the best interest of the public and the defendant in a speedy  
9 trial, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161 (h)(8)(B)(iv).

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11 **IT IS SO STIPULATED.**

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16 HARRIS TABACK, ESQ.  
for Defendant Martin Colangelo

KEVIN V. RYAN  
United States Attorney

  
TIMOTHY LUCEY  
Assistant United States Attorney

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18 **IT IS SO ORDERED.**

19  
20 Dated: June 30, 2006

  
HON. NANDOR VADAS  
United States Magistrate

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